

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 1:07CR14
(Judge Keeley)

WILLIAM HARMAN,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
REGARDING DEFENDANT'S PRE-TRIAL MOTIONS

On April 5, 2007, the defendant, William Harman ("Harman"), filed a "Motion for Relief from Prejudicial Joinder," "Motion to Suppress Audiotape," "Motion to Dismiss Count One of the Indictment," and "Motion in Limine." Subsequently, the Court referred all pending motions to United States Magistrate Judge John S. Kaull to conduct a hearing and recommend a disposition for the motions.

On April 18, 2007, Magistrate Judge Kaull entered a Report and Recommendation, stating that Harman had entered a plea of guilty to Count Five of the Indictment on April 17, 2007. Accordingly, he recommended that the defendant's motions be denied as moot in light of his entry of a guilty plea in the case.

Magistrate Judge Kaull advised the parties that they should file any objections to his recommendation no later than 10 days after receiving service of his Report and Recommendation. He also warned the parties that a failure to do so would result in the

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waiver of their appellate rights with respect to the motion to strike.¹ Nevertheless, none of the parties filed any objections.

Accordingly, the Court **ADOPTS** Magistrate Judge Kaul's Report and Recommendation (dkt no. 72) in its entirety and **DENIES AS MOOT** the defendant's motions (dkt nos. 42, 43, 44, and 47).

It is **SO ORDERED**.

The Clerk is directed to send a certified copy of this Order to counsel of record and all appropriate government agencies.

DATED: May 3, 2007.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE

¹ Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).